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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,255	04/19/2004	Yuichiro Uchigaki	Q80995	9402
23373 7590 03/18/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER ABDUL-ALL, OMAR R	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 03/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,255

Applicant(s)

UCHIGAKI ET AL.

Examiner

Omar Abdul-Ali

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following action is in response to the response filed January 31, 2008. Amended Claims 1-7 and new Claim 8 are pending and have been considered below.

1. Examiner's Note: The prior art rejections have been withdrawn as necessitated by applicant's amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva (US 2004/0107043) in view of Lemley (US 7,206,599).

Claim 1: Silva discloses a method and system for a browser apparatus, comprising:

- a. an information acquisition means for acquiring page data (page 4, paragraph 55);
- b. display means for displaying information (page 4, paragraph 57);
- c. shift direction input means for inputting a shift direction (page 4, paragraph 52);
- d. command input means for inputting a command (page 4, paragraph 52);

e. control means for displaying the page data acquired by said information acquisition means on said display means in response to a shift command indicating a shift direction input by said shift direction input means and to an operation command indicating an operation input by said command input means (page 5, paragraph 62). Silva discloses changing the screen data after pressing the up key and then the enter key.

Silva discloses said control means has a plurality of operation modes, and assigning different functions to said shift direction input means depending on the mode of said browser apparatus as functions of manipulating the page displayed on said display means (page 5, paragraph 62). Silva discloses a scroll mode and a zoom mode, where the up key and down key perform different functions in each of the modes. Silva also discloses assigning different functions to the command input means. The enter key is used to enter information, and also to cancel operations depending on the mode that the navigation system is in. However, Silva does not disclose assigning different functions to said command input means depending on the mode of said browser apparatus. Lemley discloses a similar browser apparatus that further discloses a command input key (enter key) that has different functions depending on the mode of the mobile device. For example, in the navigation mode, the enter key is used to select an entry from a menu, and in alphanumeric mode, the enter key is used to "Send" a telephone number (column 4, lines 1-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include this functionality in Silva, because assigning different functions to a command input means was recognized

as part of the ordinary capabilities of one skilled in the art. One would have been motivated to assign different functions to a command input means in order to increase operator efficiency.

Claim 2: Silva and Lemley disclose a method and system for a browser apparatus as in Claim 1 above, and Silva further discloses:

a. said control means switches the plurality of operation modes in response to the shift command from said shift direction input means or to the operation command from said command input means (page 6, paragraph 70)

Claim 5: Silva and Lemley disclose a method and system for a browser apparatus as in Claim 1 above, and Silva further discloses:

a. said command input means comprises an enter key for starting processing, and a back key (cancel key) for making transition of the operation mode (pg 6, paragraph 70).

Claim 6: Silva and Lemley discloses a method and system for a browser apparatus as in Claim 1 above, and Silva further discloses:

a. said browser apparatus is implemented on a vehicle navigation system (page 4, paragraph 53).

Claim 8: Silva and Lemley disclose a method and system for a browser apparatus as in Claim 1 above, and Silva further discloses said command input means comprises an enter key for starting processing, and a back key (cancel key) for making transition of the operation mode (pg 6, paragraph 70). Lemley further discloses said enter key and said back key (end key) comprise separate keys on said command input means (column 4, lines 1-20). It would have been obvious to one having ordinary skill in the art to provide this configuration in Silva, because using a separate enter key and back key was recognized as part of the ordinary capabilities of one skilled in the art. One would have been motivated to use a separate enter key and back key to provide dedicated keys for specific functions.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva (US 2004/0107043) in view of Lemley (US 7,206,599) and further in view of Jeoung (US 6,799,061).

Claim 3: Silva and Lemley disclose a method and system for a browser apparatus as in Claim 2 above, and Silva further discloses:

a. a surf mode of selecting part of the page by moving a mouse cursor displayed on said display means in response to the shift command from said shift direction input means (page 6, paragraph 71). Specifically, Silva discloses moving a cursor around the map to select a destination with the "enter" key.

b. a scrolling mode of scrolling the page displayed on said display means in vertical and horizontal directions in response to the shift command from said shift direction input means (page 5, paragraph 67);

Silva discloses generating menu images (page 4, paragraph 57) but does not explicitly disclose a menu mode of selecting a menu item from a menu displayed on said display means in response to the shift command from said shift direction input means. Jeoung discloses a similar method for a browser apparatus that further discloses using navigation keys to select menu items after performing a shift direction command (column 3, lines 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a menu mode of selecting a menu item in response to the shift command from said shift direction input means. One would have been motivated to include this limitation in order to increase operator efficiency.

Claim 4: Silva and Lemley disclose a method and system for a browser apparatus as in Claim 2 above, and Silva further discloses inputting shift commands in four directions, but neither reference explicitly discloses a cross key. Jeoung discloses a similar method for a browser apparatus that further discloses using four navigation keys to select menu items after performing a shift direction command (column 3, lines 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a cross key in Silva. One would have been motivated to include a cross key for design choice.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silva (US 2004/0107043) in view of Gale et al. (US 6,487,495).

Claim 7: Silva discloses a method and system for a browser apparatus as in Claim 1 above, and further discloses obtaining map data through the Internet, but does not explicitly disclose the page comprises a webpage. Gale discloses a similar method for a browser apparatus that further discloses a navigation system with Internet access, which includes supporting websites (column 28, lines 61-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to support a webpage in the browser apparatus in Silva. One would have been motivated to support a webpage to provide web related services to users.

Response to Arguments

6. Applicant's arguments filed 1/31/2008 have been fully considered but they are not persuasive.

Claim 3: Applicant argues Silva does not teach the claimed surf mode. It is respectfully submitted that Silva discloses the limitation as claimed above. Silva discloses operating a cursor on the map screen, and selecting destination points on the screen by pressing the enter key on a desired point on the map (page 6, paragraphs 70-71).

Applicant argues the combination of Silva with Jeoung in regards to the claimed menu mode. In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Silva discloses generating menu images and shift direction commands, and Jeoung discloses using navigation keys to select menu items after performing a shift direction command. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the menu functionality of Jeoung in Silva. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

7. Applicant's arguments with respect to Claims 1, 2, and 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
3/06/2008

/Stephen S. Hong/
Supervisory Patent Examiner, Art
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